

**JUN 22 2006****WOOD, HERRON & EVANS, L.L.P.**

BRUCE TITTEL  
DONALD F. FREI  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, PH.D.  
KRISTI L. DAVIDSON  
KATHRYN E. SMITH  
P. ANDREW BLATT, PH.D.  
DAVID E. JEFFERIES

OF COUNSEL  
JOHN D. POFFENBERGER  
DAVID J. JOSEPHIC  
THOMAS W. FLYNN  
J. DWIGHT POFFENBERGER, JR.  
BRADLEY D. BECK

2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OHIO 45202-2917  
TELEPHONE: 513-241-2324  
FACSIMILE: 513-241-6234  
WEBSITE: www.whepatent.com  
PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
C. RICHARD EBY  
WILLIAM R. ALLEN, PH.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
STEVEN W. BENINTENDI, PH.D.  
RANDALL S. JACKSON, JR.  
CARL J. BRAUCH  
TECHNICAL ADVISORS  
HENRY M. LABODA, PH.D.

June 22, 2006

**FACSIMILE COVER SHEET**

To: Examiner T.D. Tran  
Group Unit No. 2665  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Fax: 571-273-8300

From: Thomas W. Humphrey

Re: Our File: VOY-030  
US Application Serial No. 09/710,487  
Filed November 10, 2000  
METHOD AND APPARATUS FOR  
THE PREDICTION AND  
OPTIMIZATION IN IMPAIRED  
COMMUNICATION SYSTEM  
Hench et al.  
Associate Reference: 144798US

Pages: 15 (including cover sheet)

**MESSAGE/COMMENTS**

Confirmation copy will not follow.

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

JUN 22 2006

PATENT  
ATTY. DOCKET NO. VOY/30

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hensch Art Unit: 2665  
 Serial No. : 09/710,487 Examiner: T. D. Tran  
 Filed : November 10, 2000  
 For : METHOD AND APPARATUS FOR THE PREDICTION AND OPTIMIZATION  
 IN IMPAIRED COMMUNICATION SYSTEM

Mail Stop AMENDMENT  
 Commissioner of Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Via Facsimile

AMENDMENT TRANSMITTAL

1. X Transmitted herewith is a Response to Office Action.
2.      Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- Enclosed is a verified statement to establish Small Entity status
- X Other than a Small Entity

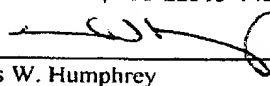
3. The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	35	MINUS	41	0	x \$25	\$0	x \$50	\$0
INDEP.	4	MINUS	4	0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+\$180	\$0	+\$360	\$0
TOTALS					TOTAL FEE	\$0	TOTAL FEE	\$0

     Additional fee for claims is required.

4.      Attached is a check in the sum of \$\_. Please charge my Deposit Account No. 23-3000 in

I hereby certify that this correspondence is being sent via facsimile (703-872-9306) to Examiner T. D. Tran in Art Unit 2665 at Mail Stop: Amendment, U.S. Patent Office, P.O. Box 1450, Alexandria, VA 22313-1450: June 22, 2006

  
 Thomas W. Humphrey  
 Reg. No. 34,353

RECEIVED  
CENTRAL FAX CENTER

JUN 22 2006

the amount of \$\_\_\_\_\_.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

- (a)\_\_\_\_\_ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
_____ one month	\$ 120.00	\$ 60.00
_____ two months	\$ 450.00	\$225.00
_____ three months	\$1020.00	\$510.00
_____ four months	\$1590.00	\$795.00
_____ five months	\$2160.00	\$1080.00
Extension fee due with this request \$_____.		

If an additional extension of time is required, please consider this a petition therefor. (Check and complete the next item, if applicable)

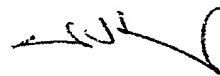
- \_\_\_\_\_ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.  
Extension fee due with this request \$\_\_\_\_\_.

OR

- (b) X Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

- X If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

Thomas W. Humphrey  
Reg. No. 34,353

Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202-2917  
Voice: (513) 241-2324  
Facsimile: (513) 241-6234

RECEIVED  
CENTRAL FAX CENTER

JUN 22 2006

PATENT  
ATTY. DOCKET NO. VOY/030

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hench et al. Art Unit: 2665  
Serial No. : 09/710,487 Examiner: T. D. Tran  
Filed : November 10, 2000  
For : METHOD AND APPARATUS FOR THE PREDICTION AND  
OPTIMIZATION IN IMPAIRED COMMUNICATION SYSTEM

Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Via Facsimile*RESPONSE TO OFFICE ACTION

This paper is in response to the Office Action mailed March 22, 2006.

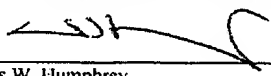
Claim amendments begin on page two of this paper.

Remarks begin on page 12 of this paper.

---

Certificate of Mailing or Facsimile

I hereby certify that this correspondence and any enclosures are being deposited with the United States Postal Service via U.S. Mail, Prepaid First Class Postage or transmitted via facsimile to the number as provided by the United States Patent and Trademark Office on the date indicated below.

  
\_\_\_\_\_  
Thomas W. Humphrey  
Reg. No. 34,353

June 22, 2006  
\_\_\_\_\_  
Date